

Lord Denman, the Lord Chief Justice of England, at the same time, spoke as follows:

"He believed that all Westminster Hall, including the judicial bench, were unanimous in holding the opinion expressed by the noble Earl; and that in this country, there was no right of delivering up, indeed no means of securing persons accused of crimes committed in foreign countries. The matter was under discussion frequently when the alien bill had been years after before the House of Commons, and the lawyers of all parties had come to the same conclusion.

"Nor were these opinions confined to the lawyers of Europe; great lawyers of America, men distinguished by their profound erudition, whose decisions are so highly respected among us, and whose valuable works on great legal questions are studied and consulted in this country with the highest advantage, held the same doctrine—indeed,

"Chancellor Kent, in his Commentaries on American Law, (1828), appears to incline to the opinion of Grotius and Vattel, against that of other eminent jurists, that persons accused of crimes ought to be delivered up to the country where they are accused, and one case appears to have been decided by himself when he held his office in conformity with that doctrine. But it may be remarked, that the peculiar Constitution of a Federal Government, comprehending many States with various laws, renders any decision, however respectable, of less extensive application, at least till all the particular provisions of the Constitution are fully considered. But Justice Story, in his more recent edition of the Conflict of Laws, (1841), concludes a discussion on this subject by citing the passage from Lord Coke, adding, in terms, one chief justice of America has said that the country where a crime is committed is a just cause, leads to the same conclusion, and that it stands indirectly confirmed by a majority of the judges of the Supreme Court of the United States, in a very recent case of the deepest interest."

"Therefore, although distinguished jurists may feel a desire for some arrangement for the surrender of foreign criminals, it would seem that the municipal law of America rests on the same principles as our own, which, as he had already stated, recognize no right to any provision so machinery by which the subjects of another State seeking refuge here could be given up to the country to which they belonged. He had, therefore, come prepared respectfully to warn Secretaries of State, if he had not been rendered uneasy by the course of the proceedings, that he could not see how it could be possible to give up any person to another State, or to detain anyone seeking refuge here without subjecting themselves to actions for damages for false imprisonment, and without further incurring the risk of a still heavier and more awful responsibility; for if a man attempted to seize an alien under such authority he might render himself liable to be justly indicted in indicting it, while those who ordered his arrest and detention would be liable to be tried for murder. He agreed with his noble and learned friend, that the comity of nations might be properly in some cases, and that it might be possible to allow nations to seize and give up to each other their respective criminals. But this could only be done on the supposition that the laws of all nations should be enforceable and just, for no country could be justified in enforcing those laws which it believed to be founded on injustice, oppression, and wrong. He had no doubt that the laws of the United States of America had been founded on a just and equitable basis, and he had no objection to adopt it, he feared that this desirable object could not be accomplished. He indulged a hope that those distinguished persons, the judges and jurists in America, who had been referred to, would, in common with those of other countries, apply their minds to these considerations."

Lord Campbell held the following language on the subject:

"He said that, after the statement of their opinions by his noble and learned friends, he should not have felt it necessary to address their lordships, if it had not been asserted, and widely circulated, that he had, when Attorney General, advised that men similarly circumstanced should be sent home for trial. Nothing could be more contrary to the fact than such a statement. He had never given any opinion of the kind. On the contrary, he had held that, by the law of nations, no State had a right to demand from another the surrender of any of its subjects; and that in the case of England, the municipal law did not authorize or enable the executive to comply with any such demand. He agreed with the Lord Chief Justice, that it might be very convenient to have treaties, under which persons accused of murder and other high crimes should be surrendered, but such treaties would not justify the demands being sent out until the municipal law provides the means for carrying the treaty into effect. Without an act of Parliament there was no authority for giving up a refugee to any foreign State."

The Lord Chancellor spoke as follows at the close of the debate:

"He apprehended that he was the only law Lord in the House who had not yet given his opinion. He had been consulted upon the question, as well as the Attorney and Solicitor General, and he had given his opinion, but in terms in which their opinion had been given, he might say that it fully agreed with what had been advanced by noble and learned lords who had already spoken. He did not think that a second opinion could be entertained."

It will thus be seen that, according to the universally received maxims of law as held in the United States and Great Britain, the Executive authority is not authorized, in the absence of treaty stipulations and of municipal legislation carrying them into effect, to arrest and deliver up fugitives from justice. Hence the origin and purpose of the 10th article in the treaty of Washington, negotiated between the United States and Great Britain in the year 1842 by Mr. Webster and Lord Ashburton, providing for the extradition of persons charged with certain specified crimes. The treaty under this head ordained that "the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive, that he may be brought before such judges or other magistrates to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive."

The treaty, it will be seen, contemplated a judicial inquiry preliminary to every act of surrender. And an act of Parliament was passed in the year 1843 [6 & 7 Victoria, chap. 76] to carry this part of the treaty into effect. How important, we should say how indispensable, such municipal legislation is to effectuate stipulations for the extradition of fugitives from justice, was illustrated by a notable case in our judicial records—a case which led to the enactment of corresponding laws in our own country for the regulation of this whole matter, as covered by treaty engagements, and excluding the exercise of such authority in all cases not covered by treaty.

An extradition treaty was concluded between the United States and France in the year 1843. Under this treaty, in the year 1847, the French Minister to this country demanded the arrest and surrender of one Nicholas Lucien Metzger, and a mandate to that effect was issued from the State Department, signed by President Polk and countersigned by Mr. Buchanan as Secretary of State. The fugitive was arrested, and, while on his way to a French frigate then lying in the harbor of New York, a writ of habeas corpus was sued out, returnable before Edmonds, Circuit Judge. The case was twice elaborately argued before that judge by the Hon. B. F. Butler, United States District Attorney, for the Government, and with him were associated Mr. F. B. Cutting and Mr. F. Tillon as counsel for the French Minister, and by Mr. Ogden Hoffman and Mr. N. B. Blunt for the prisoner. The prisoner was discharged, and mainly on the ground that, being a resident of this State, he was a "member" of it within the meaning of our Constitution; that, as such, he could not be deprived of his liberty without a resort to courts of justice; that though the treaty with France contained an extradition clause, yet Congress had never passed a law authorizing the courts to enforce

it, and as without such law the courts could have no jurisdiction in the matter, there could be no judicial determination of the question of arrest and surrender; that such determination could not be made by the Executive department alone, and that therefore the mandate of the President was void. [1 Barbour's N. Y. Supreme Court Reports, p. 248.]

The prisoner was accordingly ordered by Judge Edmonds to be discharged. The French Minister was much dissatisfied with the result. So much so that our Government directed a writ of error to be brought, in order to take the case to the Supreme Court of the United States. At the ensuing session of Congress the subject was laid before the Senate, by whom it was referred to the Judiciary Committee, on which were Daniel Webster, Robert J. Walker, and Wm. L. Dayton, our present Minister to France. Their examination convinced them that the decision was right; the writ of error was abandoned, and Congress passed a law supplying the defect complained of, and providing for the action of the judiciary in such cases. That law was as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which there now exists, or hereafter may exist any treaty or convention for extradition between the Government of the United States and any foreign Government, it shall and may be lawful for any of the Justices of the Supreme Court or Judges of the several District Courts of the United States, and the Judges of the several State courts, the Justices of the peace, or any of the courts of the United States, are hereby severally vested with power, jurisdiction, and authority, upon complaint made under oath or affirmation, charging any person found within the limits of any State, district, or territory, with having committed any crime which is made a crime by any foreign Government, or any of the crimes enumerated or provided for by any such treaty or convention, to issue his warrant for the apprehension of the person so charged, that he may be brought before such judge or commissioner to end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient by him to sustain the charge under the provisions of the proper treaty or convention, it shall be his duty to certify the same, together with a copy of all the testimony taken before him, to the Secretary of State, that a warrant may be issued for the extradition of the proper authorities of such foreign Government, for the surrender of such person, according to the stipulations of said treaty or convention; and it shall be the duty of the said judge or commissioner to issue his warrant for the commitment of the person so charged to the proper jail, there to remain until such surrender shall be made."

"And be it further enacted, That this act shall continue in force during the existence of any treaty of extradition with any foreign Government, and no longer."

In the light of this historical review, and especially in the immediate presence of this statute of our Congress, we can clearly read the law and usage of the United States on this subject. To compass the extradition of a fugitive from justice there must be a treaty stipulation enforced by corresponding municipal legislation, and it is expressly declared by the Congress in the 5th section of the above-cited act that such municipal legislation taken shall continue in force only during the existence of any treaty of extradition with any foreign Government. If, even, under a treaty of extradition, a criminal cannot be given up without the co-operation of our statutes, what shall be said of the arrest and surrender of a criminal without the authority either of treaty stipulation or of municipal law?

We have seen that the Cuban authorities and the Minister of Spain did not ask the delivery of Arguelles as a matter of right, but only as a matter of grace in the interest of humanity. It may be interesting to know how far the Government of Spain was entitled to expect that our Government would act on this principle, even supposing it had the right to do so.

A recent transaction between the two Governments, recorded in the Diplomatic Correspondence of Mr. Seward, as transmitted to Congress at the opening of the present session, affords an illustration of the principles and precedents which have been heretofore understood to govern the right of asylum and the conditions on which the extradition of alleged criminals may be claimed by one Government and granted by another. As this case was fresh in the minds of the Spanish authorities when they reclaimed Col. Arguelles, and in the memory of the Administration when it yielded to their request, we may recite the circumstances under which it arose, using for this purpose the words of the Government when giving an account of the transaction. [Papers relating to Foreign Affairs, 1863, vol. 2, p. 994.]

"In the month of September, 1862, the city of New Orleans had been reclaimed by the naval and military forces of the United States, and the city was then in a state of civil war. The blockade regulations of the port were relaxed so far as to admit trade under military regulations. Three Spanish vessels of war, in conformity with the liberal practice which the United States had adopted towards all the maritime Powers, were admitted into the port of New Orleans without question. The city was then in a condition of great distress, and permission was freely given by the authorities of the United States to any foreign Government which should ask to receive and remove any of their suffering countrymen who were not compromised in the insurrection. A number of such persons went on board of the three Spanish vessels with passes from the military authorities, such passes being given to all suffering persons who applied for them to the commander of the United States fleet, who also in command of the other two vessels, not content with giving passages to persons of the class before mentioned, went further, and knowingly, and without consulting with the military commander of the port, received on board and conveyed away and conveyed to the city of New Orleans, who had been compromised in the insurrection, and this in violation of known and well-understood military regulations, which forbade any person without a pass to leave the city. On the 25th day of October the major general commanding the United States fleet, the commander of the Blasco de Garay to this subject, and then asked to be informed of the names of the passengers, not belonging to the Government service of Spain, whom he had taken in his ship, on the voyage before mentioned, to Havana, and especially to state who was the commander of the Blasco de Garay, a passenger. The commander of the Blasco de Garay declined to comply with this request."

The case as thus represented was at this stage submitted by Mr. Seward to the Government of Spain, with an expression of the hope that it would receive "the prompt attention of her Catholic Majesty's Minister at Washington." Thus addressed on the subject, M. Tassara, the Spanish Minister, referred the matter to the Government or her Catholic Majesty at Madrid, requesting at the same time reports from the Captain General of Cuba and from the Spanish Consul at New Orleans. The decision of the Spanish Government in the premises was announced by the Marquis de Miraflores, the present Minister of State in Spain, as follows:

"The right to give asylum to political refugees is in such manner rooted in the habits, in such sort interwoven with the ideas of liberality of the present century, and has such frequent and beneficent applications in the extraordinary and extraordinary political contexts of the times we live in, that there is no nation in the world which dares to deny this right, and, moreover, not any one that can refuse its exercise. What would become of the most energetic States if, in the political tempests in which they are plunged, they could not protect them? Alas! beneath the inviolable mantle of torrid hospitality, lying to them daily, a friendly country, where they may breathe tranquil and safe; happy a shelter, whose thresholds their pursuers cannot overstep, or, haply, in fine, the shadow of a national flag floating in a port? In such cases it can

be said that the flag which shields them is not merely the ensign of a foreign nation, but rather the banner of humanity and civilization, under whose ample folds all those can be received who are pursued because they are enemies, rather than because they are criminals. We are empowered, therefore, and we ought to give asylum on board our vessels of war in the United States to political refugees. The limitation of asylum in the offense. Asylum ought not to serve to give impunity to those guilty of ordinary crimes; that would be to end in anarchy, and no civilized nation could do that. But it may be said that it is not easy for the commander of a ship of war to know whether the man who presents himself on board, asking for asylum, is or not guilty of ordinary crimes. In such cases the commander should require his word of honor that he has not committed such offenses. But should he give that, and afterwards turn out that he has lied, there could be no difficulty in handing over to the authorities a man who to former offenses had added that of the abuse of good faith, in being wanting in his parole. And if the Government of Washington wishes to acquire a perfect and positive right to the delivery to them of those guilty of ordinary crimes, will be enabled to do so by means of a treaty of extradition, to the conclusion of which the Spanish Government would not oppose itself, as it has not refused to conclude such with other States."

It will thus be seen that the Spanish Government sustained the proceedings of the commander of the Blasco de Garay, who declined even to give the names of the passengers whom he had taken in his ship. Our Government was simply informed that if it desired to reclaim ordinary criminals it could acquire "a perfect and positive right to do so" by concluding an extradition treaty, and that in the absence of such a treaty it would give no heed to our reclamations.

It remains for us, at the close of these historical citations, to sum up the logical conclusions suggested by the principles and precedents thus passed in review.

From the history we have given it appears that while the obligation of nations not to grant asylum to criminals, but to deliver them up for trial, receives the general assent of civilized nations, it is one subject to many limitations and modifications. It is a duty of "imperfect obligation," so called, like those interwoven with the private life of individuals, and the neglect of which destroys the reputation of the man without rendering him amenable for violating the law. It is a duty resting upon the conscience of the nation, to be discharged under such circumstances, in such cases, and in such manner as in the judgment of the nation, expressed through the constituted authorities, may seem best adapted to subserve the cause of virtue and the interests of humanity.

In some political systems the monarch is the authority who at once determines the question and executes the judgment; but in those countries where the principles of constitutional government obtain—in other words, where the rights of the person are recognized—the maxims of law limit the otherwise absolute power of the Executive authority, and in performing their obligations to the human race, the Legislature, in such countries, is careful not to overlook their obligations to the individual. Thus in Great Britain, as we have seen, while the sovereign may make treaties, he cannot fulfill a treaty binding him to surrender fugitive criminals without the express sanction of that part of the Government which is charged with the guardianship of the life and liberty of the individual. He may make war or conclude peace without the consent of Parliament; but without its consent he cannot deprive the humblest individual of liberty, though that individual be charged with the deepest crimes.

In our own political system we find the same careful process for reaching the ends of justice. The treaty-making power determines what offences the nation will lend its aid to punish, and into what hands it is willing to deliver offenders for punishment. The tenth article of the Treaty of Washington, concluded between the United States and Great Britain on this subject, shows by the catalogue of crimes it embraces that we are willing to trust the enlightened criminal jurisprudence of England in a wider class of offences than we would remand to some other countries whose codes are less conforming to the humane spirit of the age. When the treaty-making power has ascertained the extent of the obligation of surrender and assumed the corresponding duty, the legislative power comes forward to provide for the fulfillment of that duty, and in so doing Congress has thought proper to omit none of those safeguards which have been found essential to protect the accused against baseless charges, and which, necessary as they are in cases where the accused is to be tried in the jurisdiction where he is found, are doubly and trebly necessary where the charges are put forward, not for trial here, but as the means of obtaining possession of the accused and carrying him abroad.

It is not improbable that factitious accusations should be brought for the mere purpose of procuring the arrest and surrender of a fugitive. Hence it is that the careful provisions of the statute, regulating extradition in this country, commit to the judiciary—versus as that department already is in all the proceedings preparatory to a trial—the duty of arresting the fugitive and of ascertaining whether in fact a crime has been committed, and whether there is sufficient evidence to hold the accused for trial. When these questions have been settled by the judiciary, and not till then, does the nation consent to deny the right of asylum to the fugitive who has sought its protection and deliver him into the hands of the alien prosecutor.

It is needless to add that in the case of Arguelles the Executive has assumed all the authority which by the Constitution is distributed among the treaty making power, the law making power, and the judiciary. Without treaty, without law, and without judicial action, the Executive has assumed to do what only all three combined could lawfully empower him to do.

And in making this statement as a proposition of law, we indulge in no personal censure of the President's motives. As he makes no legal defence of his conduct, but bases that defence on his good intentions, we make all due allowance for such good intentions while bringing his proceedings to the bar of the law he has transgressed. It is one of the inconveniences which attach to such errors of judgment, and which illustrate their practical dangers, that all punishments visited on criminals outside of the laws array a certain sympathy in favor of the culprit, however guilty he may be. Col. Arguelles may be the criminal he is represented to be by the Cuban authorities, but as these authorities are now seized of his person in a way not authorized by our laws, the penalty he may be called to pay for his alleged crime is one which concerns the honor of the nation in the eyes of the civilized world. It

is to be hoped, for the sake of our own credit on the score of humanity, that the proceedings of Spanish jurisdiction in his case may be such as to show that only justice has been done him in the forum to which we have remitted him, even if something less than justice, as justice is understood in this country, has been done him by our authorities in the circumstances under which they have delivered him up for trial. The civilized world sits in judgment not only on the crimes of men, but on the processes by which these crimes are redressed, and when justice is inflicted against the received rules of justice, men never fail to resent the wrong done to the latter, whatever may be their abhorrence at the wickedness of the criminal. It was thus that all Europe thrilled with indignation and horror at the conduct of the King of Saxony when, in the early part of the 18th century, he delivered up the person of the unhappy Paul to the vengeance of his sovereign, Charles the XIIIth of Sweden, who broke him on the wheel. Men refused to consider the provocations which that nobleman had offered to his King, or the offences he had committed against his country, in their resentment at the wrong done to the "right of asylum" in his person. And so, whatever may be the crimes of Col. Arguelles, (about which we know nothing personally, as the President of the United States knows nothing legally,) the civilized world, in its respect for the principles of public law and private right violated by his clandestine arrest and deportation, will not hesitate to deplore the process by which this Spanish subject has been brought to justice.

THE BLACK TROOPS IN LOUISIANA.

A correspondent of the Springfield (Mass.) Journal, writing from Louisiana, speaks very discouragingly for the success of the experiment of keeping in the field at the South a large body of colored troops. According to this writer, who seems to be an intelligent person, it appears that the blacks are not only less reliable than the whites in the active duties and dangers of the field, but that they are more liable to perish in camps and garrisons, and in other respects are much more expensive than the white race. From his letter, dated at Port Hudson on the 15th ultimo, we extract the following:

THE CORPS D'AFRIQUE.

"This body of troops, organized and equipped by order of Gen. Banks, and intended to include not fifteen thousand men, having their headquarters at this post, has recently been subjected to several important changes. When the order of organization was promulgated, it contemplated the formation of eighteen regiments of five hundred men, with a number of companies of light infantry, and a regiment of artillery. There were already three full regiments organized several months previous as 'Louisiana Native Guards,' and Gen. Ullman had already commenced recruiting for the five regiments known subsequently as Ullman's brigade. These eight regiments were made the nucleus of the new Corps, and during the summer and autumn of 1862, through the channels opened by the progress of the campaign, there were men enough enlisted to swell the number of regiments to about twenty-five, and Gen. George L. Andrews was placed in command of the corps. But, unfortunately, it was found that the physical qualifications of the negroes were not equal to the hardships of drill and fatigue duty, many of them having in them the seeds of old and surely fatal diseases brought on by the vicious habits of plantation life, and many others being as yet young and immature in body and mind, and by hereditary taints. It is surprising to one unacquainted with the subject, to contemplate the terrible rate of mortality and to learn how many have lung and heart diseases, or are broken down by humoral affections, over-work and ill usage. Thousands died, were carried off by hereditary diseases, and the remainder, who were left, were reduced to a few hundred men. The regiments were broken down from five hundred to two hundred of three hundred; recruiting was stopped by an order from General Banks, which contemplated the retention of as many able-bodied blacks as possible on the Government plantations; and the order of the day, 'disappointment on the pay question demoralized the men. All these causes combined to have an unfavorable effect on the corps.

When the campaign commenced this season, four regiments were ordered to the field. To fill them up six hundred each it was necessary to transfer men from three to four other regiments, leaving to each company in the latter only its officers and ten men. Then came the action of the War Department, changing the regimental numbers of the divisions of the Corps d'Afrique, artillery, &c., and requiring a maximum of one thousand. Very little remains of the original corps, save in the regretful recollections of its past officers and the formidable fortifications its men have erected here since the surrender of Port Hudson. Gen. Andrews has gone North on leave, Gen. Ullman succeeding to the command, and a full and careful inspection of all the works and forces here last week by Gen. T. W. Sherman (who lost a leg in the siege of Port Hudson) has given rise to a rumor of a further change of commanders.

"What the future of the corps will be depends upon the question of expediency: will the possible interests or necessities of our standing army warrant the enormous expense of organizing and drilling colored troops and bringing them up to the standard of white troops? As the negroes are not equal to the hardships of drill and fatigue duty, and the South, agriculturally, are called upon to demand for labor of acclimated blacks will increase; if the available number is diminished by the requirements of a large army, there will be an increased opposition to maintaining black regiments. The question is of immediate and great importance. To keep up the black regiments in the department alone would require twenty thousand recruits, and the relative mortality of white and black troops seems to indicate that it would be better to let the present black organizations die out and supply their places, if the necessity continues, from the army of foreigners now serving in the Corps d'Afrique. Besides this, there is another entering into the consideration of the subject, namely, the great cost of maintaining colored troops. They are, undeniably, idle, lazy, unproductive, and wasteful. The loss by wear and tear, such as the expense of keeping up their uniforms and equipments, of camp and carriage equipment, and all kinds of military stores and property, promises to exceed very greatly the corresponding expenditure for white troops, and it is scarcely a matter for doubt that their services are far less valuable, both in quality and quantity, to the Government. The subject is one which commands itself very forcibly to all who have an interest in the future character and condition of our national troops."

COLLISION AT SEA—FORTY LIVES LOST.

The United States steam transport City of Bath, Capt. Lincoln, laden with stores for the Government, sailed from New York for Washington (D. C.) at 11 o'clock in the morning of the 1st instant, and at about midnight, when near Cape May, came into collision with the transport steamer Pocahontas, on her passage from New Orleans to New York. The latter vessel sunk in twenty-five minutes, carrying down nearly forty of her passengers and crew. The City of Bath had her bows stove in and her stern carried away, causing her to leak badly, which was stopped by throwing overboard a part of her cargo.

The Pocahontas was a screw-steamer, of about 500 tons commanded by John Baxter, and sailed from New Orleans on the 24th of May, with one hundred souls on board. The passengers lost were soldiers discharged or on furlough. The Pocahontas was struck on the starboard side, just about the fore rigging. The two captains soon discovered that the vessel was sinking. The boats were lowered and the engines stopped. The two vessels remained bumping each other for a few minutes, and then separated. One of three boats during the excitement was swamped, and the other two did what they could to save the persons already afloat. Captain Lincoln lay by the place until daylight, but was then enabled to add only one to the number picked up during the night. The City of Bath then returned to New York with the survivors who had lost every thing but their lives.

GENERAL BUTLER'S EXPEDITION.

The Boston Transcript, after expressing the opinion that General Butler has accomplished as much as was expected of his expedition to the south side of Richmond, adds:

"While freely saying thus much of our appreciation of the value of General Butler's service, we must add that the highest public expectation of the work he had done to accomplish, and the constant disappointment and dissatisfaction with results, are the natural and inevitable effects of the newspaper correspondents' accounts of his early movements written in his interest. More fully, more bravely, more bravely, more bravely, have not been seen since the month before the first battle of Bull Run."

FROM THE ARMY IN VIRGINIA.

OFFICIAL REPORT.

Secretary Stanton to General Dix.

WAR DEPARTMENT, Washington, June 2, 1864.

Sir: A despatch from Gen. Grant's headquarters, dated yesterday, June 1, at 10 A. M., has been received. It states:

"At 5 P. M. yesterday Sheridan, perceiving a force of rebel cavalry at Cold Harbor, which proved to be Fitzhugh Lee's division, attacked, and after a hard fought battle, together with Chignema's brigade of infantry, which came to Lee's support. Sheridan remained in possession of the place. He was at dark that he had a considerable number of rebels killed and there were many rebel dead and wounded. He was ordered to hold the position, and at 10 P. M. the Sixth Corps (Wright's) set out to occupy it.

"We have not yet heard from Wright or Sheridan this morning, and do not know whether the former has got his troops to the destination. Smith (Baldy) must be close upon Wright's column. This morning the enemy are also moving a heavy column in the same direction. The order has just gone to Warren to fall upon their flank.

"Wilson had a fight last evening near Hanover Court-house with Young's brigade of cavalry. He routed Young, killing and capturing many, but there has been a good deal of artillery firing in that direction this morning.

"Warren reported last night that in his fight of Monday afternoon, near Bethesda Church, Col. Tyrrell, 13th Virginia, and Col. Willis, commanding Pegram's brigade, were killed. Col. Christian, 49th Pennsylvania, was wounded and captured; so was the Acting Adjutant General of Ramsey's brigade, name not reported. Ten other commissioned officers and seventy privates were captured. Sixty rebels were buried on the field.

"In our centre Burnside reports his advanced lines as being within a mile and a half of Mechanicsville."

E. M. STANTON, Secretary of War.

WAR DEPARTMENT, Washington, June 2—9 30 P. M.

A despatch from Gen. Grant, dated this morning, (June 2d,) at Bethesda Church, seven o'clock A. M., has just been received. It states:

"Yesterday morning an attack was ordered to be made on our left, at Cold Harbor, by the Sixth Corps, and the troops under Smith, Warren, Burnside, and Hancock being held in readiness to advance in their respective fronts.

"The attack was made with spirit about 5 P. M., continuing until after dark, and resulting in our carrying the enemy's works on the right of the Sixth Corps, where we still hold them, and also the first line in front of Smith. The latter, however, were commanded in the rear, which made them carried untenable.

"The enemy made repeated assaults on each of the Corps not engaged in the main assault, but were repulsed with loss in every instance.

"Several hundred prisoners were taken, but I cannot say what number, nor estimate either our or the enemy's casualties.

"During the night the enemy made several assaults to regain what they had lost, but failed."

No despatches from any other quarter have reached the Department to-day.

EDWIN M. STANTON, Secretary of War.

WAR DEPARTMENT, Washington, June 4, 1864.

Despatches from Gen. Grant's headquarters, dated three o'clock yesterday, have just been received. No operations took place on Thursday.

Yesterday (Friday) morning, at half-past four o'clock, Gen. Grant made an assault on the enemy's lines, of which he makes the following report:

"We assaulted at half-past four A. M., driving the enemy within his entrenchments at all points, but without gaining any decisive advantage. Our troops now occupy a position close to the enemy—some places within fifty yards, and are remaining. Our loss was not severe, nor do I suppose the enemy to have lost heavily. We captured over three hundred prisoners, mostly from Breckinridge's division, and a full and careful inspection of all the works and forces here last week by Gen. T. W. Sherman (who lost a leg in the siege of Port Hudson) has given rise to a rumor of a further change of commanders.

"When the future of the corps will be depends upon the question of expediency: will the possible interests or necessities of our standing army warrant the enormous expense of organizing and drilling colored troops and bringing them up to the standard of white troops? As the negroes are not equal to the hardships of drill and fatigue duty, and the South, agriculturally, are called upon to demand for labor of acclimated blacks will increase; if the available number is diminished by the requirements of a large army, there will be an increased opposition to maintaining black regiments. The question is of immediate and great importance. To keep up the black regiments in the department alone would require twenty thousand recruits, and the relative mortality of white and black troops seems to indicate that it would be better to let the present black organizations die out and supply their places, if the necessity continues, from the army of foreigners now serving in the Corps d'Afrique. Besides this, there is another entering into the consideration of the subject, namely, the great cost of maintaining colored troops. They are, undeniably, idle, lazy, unproductive, and wasteful. The loss by wear and tear, such as the expense of keeping up their uniforms and equipments, of camp and carriage equipment, and all kinds of military stores and property, promises to exceed very greatly the corresponding expenditure for white troops, and it is scarcely a matter for doubt that their services are far less valuable, both in quality and quantity, to the Government. The subject is one which commands itself very forcibly to all who have an interest in the future character and condition of our national troops."

EDWIN M. STANTON, Secretary of War.

WAR DEPARTMENT, Washington, June 5—one o'clock P. M.

A despatch from General Grant's headquarters, dated half-past eight o'clock last (Saturday) night, has been received.

It states that about seven P. M. yesterday (Friday, 3d of June) the enemy suddenly attacked Smith's brigade, of Gibbon's division. The battle lasted with great fury for half an hour. The attack was unavailingly repulsed. Smith's losses were considerable.

At six P. M. Wilson, with his cavalry, fell upon the rear of a brigade of Heth's division, which Lee had thrown around to his left, apparently with the intention of enveloping Burnside. After a sharp but short conflict, Wilson drove them back to their rifle pits in confusion. He took a few prisoners. He had previously fought and routed Gordon's brigade of rebel cavalry. During these fights he lost several officers, among them Colonel Preston, 1st Vermont cavalry, killed, and Colonel Benjamin, 5th New York cavalry, seriously wounded. Gen. Starnard, serving in the Eighteenth Corps, was severely wounded yesterday, (Friday.)

Our entire loss in killed, wounded, and missing during three days' operations around Cold Harbor will not exceed, according to the Adjutant General's report, seven thousand five hundred.

This morning (Saturday, June 4) the enemy's left wing, in front of Gen. Burnside, was found to have been drawn in during the night. Col. Canosa, in command of five thousand men, arrived there yesterday, having marched from Port Royal.

The telegraphic communication between Cherrystone and Fortress Monroe continues interrupted.

EDWIN M. STANTON, Secretary of War.

WAR DEPARTMENT, Washington, June 5—seven o'clock A. M.

We have despatches from Gen. Grant's headquarters down to six o'clock last (Sunday) evening, which state that there had been no fighting during the day.

The enemy made an attack on Saturday night upon Hancock, Wright, and Smith, but were everywhere repulsed. Hancock's lines are brought within forty yards of the rebel works.

The rebels were very busy on Saturday constructing entrenchments on the west side of the Chickahominy, at Bottom's Bridge, and towards evening threw a party across to the east side.

EDWIN M. STANTON, Secretary of War.

WAR DEPARTMENT, Washington, June 6, 1864.

Despatches have been received from Gen. Grant's headquarters to-day, but they report only certain changes in the position of Corps and contemplated operations. They state that every thing is going on well. The Chief Quartermaster of the army reports a personal inspection of the depot at the White House. It is in a most efficient state, all useful supplies are on hand, and wagons transport them easily to the army. The wounded are being brought in and transports are not delayed a moment.

EDWIN M. STANTON, Secretary of War.

WAR DEPARTMENT, Washington, June 7—1 30 P. M.

A despatch from Mr. Dana, at Gen. Grant's headquarters, dated last night at 8 30 P. M., announces a victory by Gen. Hunter over the rebels beyond Staunton, and that the rebel Gen. Jones was killed on the battle field. The despatch is as follows:

"The Richmond Examiner of today speaks of the defeat of Gen. W. E. Jones by Gen. Hunter, twelve miles beyond Staunton, (Va.) Gen. Jones was killed on the

field. His successor retired to Waynesboro', and now holds the mountains between Charlottesville and Staunton. The paper further states that no hospitals or stores were captured by Hunter."

Another despatch announces that our forces occupy Staunton. Hunter's victory and that our troops occupy Staunton is confirmed by the following despatch just received from Gen. Butler:

"All quiet on my line. Richmond papers of June 7th give intelligence of a fight at Mount Crawford between Gen. Hunter and Gen. Jones, in which Hunter was victorious, and Jones, rebel commander, was killed. Staunton was afterwards occupied by the Union forces. The fighting was on Sunday."

EDWIN M. STANTON, Secretary of War.

WAR DEPARTMENT, Washington, June 7—10 15 P. M.

Despatches from headquarters of the Army of the Potomac, dated nine o'clock this morning, have been received. An assault was made on Burnside about midnight and successfully repulsed. In the preceding afternoon a hundred picked men of the enemy made a rush to find out what was the meaning of Hancock's advancing siege lines. Nine of the party were captured and the rest killed or driven back.

Several letters have passed between Gen. Grant and Gen. Lee in respect to collecting the dead and wounded between the two armies. Gen. Grant in the closing letter "regrets that all his efforts for alleviating the suffering of wounded men left on the battle-field have been rendered nugatory."

Two rebels officers and six men, sent out to search for the wounded of the enemy not delivering Gen. Lee's letter until after the hour he named had expired. Gen. Grant has notified Gen. Lee that they were captured through a misunderstanding, and will not be held as prisoners of war, but will be returned.

No other military intelligence received.

EDWIN M. STANTON, Secretary of War.

OFFICIAL NEWS FROM GEORGIA.

SHERMAN STILL ADVANCING.

Secretary Stanton to General Dix.

WAR DEPARTMENT, Washington, June 6—seven o'clock A. M.